



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S) : Völkel et al.

TITLE : CONCENTRATION AND FOCUSING OF
BIO-AGENTS AND MICRON-SIZED
PARTICLES USING TRAVELING WAVE
GRIDS

APPLICATION NO. : 10/727,289

FILED : 12/03/2003

CONFIRMATION NO. : 6700

EXAMINER : FICK

ART UNIT : 1753

ALLOWED : October 31, 2006

ATTORNEY DOCKET NO. : A3237-US-NP
XERZ 2 00607

RESPONSE TO STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Mail Stop Issue Fee

Dear Sir:

Applicants gratefully acknowledge the indication as to the allowance of the present application.

However, applicants respectfully submit the Statements of Reasons for Allowance are, in and of themselves, inappropriate. It is noted that the reasons for allowance may be set forth in instances in which " . . . the Examiner believes that the record of the prosecution as a whole does not make clear his or her reasons for allowing a claim or claims." (37 CFR §1.104(e)(2004)). In the present case, applicants believe the record as a whole does make the reasons for allowance clear and, therefore, no statement by the Examiner is necessary or warranted. Furthermore, the applicants do not necessarily

agree with each statement in the reasons for allowance.

Specifically, it has been indicated that the claims are allowed by importing interpretations into the claims in relation to the prior art that results in a potential imprecise and/or inaccurate understanding of the reasons. This places an unwarranted interpretation upon the claims. Such a characterization of the claims does not properly take into account applicants' claimed invention as reflected in the specification and the applicants' responses to the Examiner's office actions.

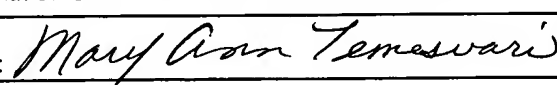
Therefore, while applicants believe the claims are allowable, applicants do not acquiesce that patentability resides in only the features, exactly as expressed in the claims, nor that each feature is required for patentability.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

November 3, 2006
Date


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| CERTIFICATE OF MAILING OR TRANSMISSION | |
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| I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being <input checked="" type="checkbox"/> deposited with the United States Postal Service as First Class Mail, addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below. <input type="checkbox"/> transmitted to the USPTO by facsimile in accordance with 37 CFR 1.18 on the date indicated below. | |
| Express Mail Label No.: | Signature:  |
| Date: <i>Nov. 3, 2006</i> | Name: Mary Ann Temesvari |